

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: AUGUST 6, 2008**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

ROC-28660 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER:  
 JAMES & ELIZABETH BRACY, JR. - Request for a Review of Conditions Number Two to not  
 provide a landscaping plan showing 24-inch box trees spaced 20 feet on center and Condition  
 Number Three to not provide a six-foot wall with a minimum 20 percent contrasting material of  
 an approved Special Use Permit (U-0072-00) THAT ALLOWED A CHURCH/HOUSE OF  
 WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential)  
 Zone, Ward 5 (Barlow). Staff recommends DENIAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

1

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

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City Council Meeting

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**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for U-0072-00
6. City Council Approval Letter for EOT-17091
7. Submitted after Final Agenda – Protest Postcard
8. Submitted after Meeting – Recordation Notice of Council Action and Conditions of Approval

Motion made by RICKI Y. BARLOW to Approve subject to conditions and deleting Condition 2

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,  
 GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
 (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

REVEREND JAMES BRACY, SR. and ELIZABETH BRACY were present. REVEREND  
 BRACY outlined the application for the Council and informed them that he was instructed to do  
 a title search regarding the property line. In doing so, he found out that the wall would not be on

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the property line, as there is a one-foot gap. With that, he requested removal of Conditions 2 and 3, pertaining to the 24" box trees and the six-foot wall.

COUNCILMAN BARLOW verified with REVEREND BRACEY that the church is built. The community which he represents has beautiful landscaping, and he has to uphold that. The Councilman felt there should be an appropriate wall, specifically at this location. He also believed that the applicants have a wonderful opportunity to set a tone in this part of downtown.

REVEREND BRACY was concerned that the wall could shield the church from public view and believed it should be on the south side of the site.

MARGO WHEELER, Director of Planning and Development, clarified that the condition requires removing the existing chain link fence and replacing it with a wall. In addition, the 24" box trees are to replace the existing cypress. REVEREND BRACY noted that he had spoken with City staff regarding the wall and the type of materials they could put on the island. He was told that cypress trees were allowed.

After further discussion regarding the application and what was required of the applicant, COUNCILMAN BARLOW verified with MS. WHEELER that the existing condition requires 24" box trees, 20 feet on center along the north and west property lines and a wall along the south property line. With the current conditions, MS. WHEELER confirmed that Condition 1 would remain as is and the existing Condition 3 would be deleted, which is reflected as Condition 2 in the backup. Both the Councilman and MS. WHEELER strongly recommended REVEREND BRACY meet with Planning staff to ensure permits are pulled and conditions are met accordingly. REVEREND BRACY agreed to do so.

MAYOR GOODMAN declared the Public Hearing closed.